

REMARKS

Currently, claims 1, 3, 7-11, 13 and 17-28 are pending. Claims 2, 4-6, 12 and 14-16 have been canceled. Claims 1, 3, 7, 9, 13, 17, 19, 20, 23, 26 and 27 have been amended. Claims 1, 19, 23, 25 and 27 have been rejected under 35 U.S.C. 112. Claims 1-3, 5-13 and 15-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McEvilly [U.S. 4,516,206] in view of Agre et al. [U.S. 6,208,247], and further in view of Caillat et al. [U.S. 5,101,195]. Claims 4, 14 and 27-28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McEvilly in view of Agre et al. and Caillat et al. and further in view of Guindi et al. [U.S. 6,356,204].

Claim Rejection - 35 U.S.C. 112

Claims 1, 19, 23, 25 and 27 have been rejected under 35 U.S.C. 112. In rejecting the claims, the Office asserts:

Claims 1, 19, 23, 25 and 27 recite the limitation "causing the averaged signal to drop to a zero value after a few second of no signal" which appears should have been "causing the **sum** to fall to zero" according to page 9, line 18 of the specification.

Claims 1, 19, 23, 25 and 27 have been amended according the Office's suggestion and recite "...causing the **sum of the passed signals over any said period of time....**" Also, to obviate confusion between the sum of the passed signals and integrated sum, an additional recitation "**power spectral density integrated sum**" has been added to claims 1, 19, 23, 25 and 27. Support for the added recitations can be found in FIG. 4 and in the specification on page 9, lines 12-27. Accordingly Applicants respectfully requests the rejection to claims 1, 19, 23, 25 and 27 be withdrawn.

Claim Rejection - 35 U.S.C. 103

Claims 1-3, 5-13 and 15-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McEvilly in view of Agre et al., and further in view of Caillat et al. Claims 4, 14 and 27-28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McEvilly in view of Agre et al. and Caillat et al. and further in view of Guindi et al. [U.S. 6,356,204].

Claims 1, 9, 19 and 27 have been amended to incorporate the subject matter of original claims 4, 5, 14 and 15, which are currently canceled, and to recite

"...multiple sensor elements each of which is responsive to motion in a direction normal to one of a corresponding plurality of mutually orthogonal intersecting planes and include [/ each said sensor element including] a thin-film, cantilevered piezo-electric sensor element having an unsupported distal extremity and a proximal extremity rigidly affixed to a [said] housing...."

Support for the added recitation can be found in FIGS. 1-3 and in the specification on page 5, line 32- page 6, line 27.

None of the cited references, taken individually or in combination, suggest or teach the ***"multiple sensor elements each of which is responsive to motion in a direction normal to one of a corresponding plurality of mutually orthogonal intersecting planes and include [/ each said sensor element including] a thin-film, cantilevered piezo-electric sensor element having an unsupported distal extremity and a proximal extremity rigidly affixed to a [said] housing"*** as recited in amended independent claims 1, 9, 19 and 27. Accordingly, Applicants submit that the amended independent claims 1, 9, 19 and 27 are allowable over the cited references.

Claims 3, 7, 13 and 17, which previously depended from canceled claims 2, 5, 12 and 15, respectively, have been amended to have proper dependency to independent claims 1 and 9. Claim 20 has been amended to direct to steps of generating different signals depending on the magnitude of the P-wave. Support for the recitation added to claim 20 can be found in the specification on page 12, lines 20-30.

Each of dependent claims 3, 7, 8, 10, 11, 13, 17, 18, 20, 21-26 and 28 depends from a corresponding one of independent claims 1, 9, 19 and 27, and as such, includes all the limitations of the corresponding independent claim, rendering it also allowable. Accordingly, Applicants respectfully request that the rejection to claims 1-28 be withdrawn.

CONCLUSION

Based on the reasons as set forth above, Applicants respectfully request allowance on claims 1, 3, 7-11, 13 and 17-28.

In the event that a telephone conference would expedite prosecution of the application, the Examiner is respectfully invited to contact the undersigned by telephone at the number set out below.

Respectfully submitted,

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